> Under this Court's precedents, the term "principal activities" includes all activities which are an "integral and indispensable part of the principal activities." *Steiner v. Mitchell*, 350 U. S. 247, 252-253. An activity is "integral and indispensable" if it is an intrinsic element of the employee's principal activities and one with which the employee cannot dispense if he is to perform his principal activities.

Here, the Court held that the "security screenings at issue are noncompensable postliminary activities" because "the screenings were not the principal activities the employees were employed to perform-*i.e.*, the workers were employed not to undergo security screenings but to retrieve products from warehouse shelves and package them for shipment. Nor were they 'integral and indispensable' to those activities."

http://www.supremecourt.gov/opinions/14pdf/13-433_5h26.pdf (last accessed Dec. 17, 2014)

The Court also decided another case having significant impact for local governments that fund courts.

***Warger v. Shauers*, - voir dire; FRCP, Rule 606**

In *Warger v. Shauers*, the Court held that Federal Rule of Evidence Rule 606(b) applies to juror testimony during a proceeding in which a party seeks to secure a new trial on the grounds that the juror lied during *voir dire*. The case involved a suit over an auto accident. One of the jurors responded in *voir dire* that she did not have any reason why she could not render a fair verdict in the case. The juror was made the foreperson of the jury and the trial proceeded to a defense verdict. After the trial one of the jurors approached the plaintiff's attorney and offered an affidavit that during deliberations the foreperson told the jurors that her daughter had been the driver of a car in an unfortunate accident where the daughter had killed another motorist and that a judgment against her daughter would have ruined her.

The plaintiff sought a new trial, but Rule 606 was applied to prevent using the testimony to set aside the verdict. The Court concluded that a claim that the testimony fell under Rule 606(b)'s exception for "extraneous prejudicial information" could not be supported concluding that the phrase "extraneous information" refers to information from a source "external" to the jury, such as publicity related specifically to the case under consideration. The experience jurors bring to the case is "internal" information.

In addressing the claim that the Constitutional provisions protecting a right to an impartial jury conflict with the Rule, the Court concluded that an earlier case foreclosed this argument; but rather than say that the Rule applied universally to exclude any evidence of jurors lying about prejudice during the *voir dire*, the Court included a footnote saying: "There may be cases of juror bias so extreme that, almost by definition, the jury trial right has been abridged. If and when such a case arises, the Court can consider whether the usual safeguards are or are not sufficient to protect the integrity of the process. We need not consider the question, however, for those facts are not presented here."

News reports detail the increased frequency of juror lies at *voir dire* and practitioners must be prepared by understanding the rules as well as cautioned to do sufficient background checks on jurors before a verdict is rendered to discover those lies.

http://www.supremecourt.gov/opinions/14pdf/13-517_7l48.pdf (last accessed Dec. 17, 2014)

Carroll v Carman – knock and talk, 4th Amendment

This case involves the question of when the police can use the "knock and talk" exception to the warrant requirement to enter a person's property to speak with occupants. The Third Circuit held that the police must use the front door to the property for the exception to apply and denied qualified immunity to officers in this case. The Supreme Court summarily reversed in a per curiam decision.

The police believed a man had stolen a car and had two loaded handguns. They heard he might be at the Carman's home and went there to see if they could find him. The Carmans' home sat on a corner lot with the front facing a main street and the side of the house facing a side street. When they arrived at the home in the middle of the afternoon the police discovered that there was no parking available in the front and went up the side street. They saw a gravel parking area with several cars parked there and they parked in the first available spot towards the rear of the house. As they approached the house, they saw a small outbuilding with a light on and the door open and one of the officers went to the door and announced his presence but no one was there. They continued along the side of the house and saw a sliding glass door that opened onto a ground level deck and Officer Carroll felt that the sliding glass door looked like a customary entryway and went to knock on the door. As they approached a man came out and belligerently approached them. The officers explained who they were and why they were there but the man refused to answer any of their questions, such as who he was and if the suspect was on the property. The man turned away and reached for his waist and the officer grabbed his arm and the man fell off the deck.